

REMARKS

Reconsideration and further examination of the subject patent application in view of the accompanying RCE and in view of the present Amendment and the following Remarks is respectfully requested. Claims 1-25 are pending. Claims 1-3, 11-13, 15, and 21-23 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6,108,711 to Beck in view of U.S. Pat. 6,067,357 to Kishinsky, et al. ("Kishinsky"). Claims 4-10, 14, 16-20, and 24-25 have been rejected under 35 U.S.C. §103(a) as unpatentable over Beck in view of Kishinsky and further in view of U.S. Patent No. 6,411,687 to Bohecek et al. ("Bohecek"). Claims 1, 2, 11, 12, and 21 have been amended for clarification. After a careful review of the claims and cited references, it is believed that the claims are in allowable form and therefore a Notice of Allowance is respectfully requested.

Claims 1-3, 11-15, and 21-23 have been rejected as obvious in view of Beck and Kishinsky. Claims 1, 2, 11, 12 and 21 have been amended for clarification that the detection, goal determination, and prompting is automatically performed by a machine (see e.g. paragraphs 0014-0017). Beck describes a system for managing interactions wherein the extracted knowledge from transactions is used in routing. Kishinsky describes a GUI adapted for modeling call center behavior and programming scripts. Beck is thus concerned with routing contacts to agents and Kishinsky describes using pre-programmed scripts, but neither reference concerns automatic monitoring and analysis of ongoing conversations between an agent and a caller, and thus do not teach automatically detecting information content of the conversation, automatically determining conversational goals from the conversation information content, nor suggesting subject matter or responses to agents during the conversation based upon those

determined goals or adapting the conversational context to changes during the conversation as claimed in independent claims 1, 11 and 21. Thus, neither reference teaches those claimed features including automatically detecting a conversational goal or automatically prompting or suggesting subject matter to agents based upon the conversational goal of a client, or adapting during the conversation to changes in the client conversational goal.

The Office Action asserts that Beck discloses determining a goal and that this language reads on what the client desires or the purpose of the call but does not cite in the rejection a passage disclosing this in Beck. However, Beck merely routes calls based on stored information thus there is no analysis of the ongoing conversation between the agent and the client and thus no automatic determination of a goal from the detected conversation information content. Further, automatically determining a conversational goal of the client during the conversation (i.e. after assignment to an agent) is clearly not merely determining the purpose of the call prior to assignment of the call to the agent. Beck does not teach automatically determine the client's desires or purpose of the call during the call. Beck merely determines a media type prior to the conversation even starting (Col. 7, lines 46-50) which has nothing to do with the conversational goals of the client and is not during the call. Even if it did, media type also clearly has nothing to do with the conversational tendencies of the client as claimed. The media type merely concerns media of communications such as telephone call, email, etc., while the conversational goal of the client concerns the client's objective in the conversation (which can change during the conversation). The Office Action also asserts that automatic determining a goal is obvious or inherent and disclosed at Col. 6, lines 50-56. However, as known in the art and discussed in the application (see, e.g. paragraph 0006) agents lack consistency and while they often merely

follow predetermined scripts, predetermined scripts can often be ineffective. Thus, the use of automatic machine determination of the goal is much different and solves substantial problems. Further, Beck merely determines media type prior to the conversation; there is no teaching of automatically determining a goal. Col. 6, lines 50-56 merely generically describes an operating system (CINOS) but does not describe automatically determining a conversational goal in an ongoing conversation as claimed.

The Office Action also asserts that Beck discloses suggesting subject matter at Col. 12, lines 18-21. However, Beck merely discloses providing predetermined scripts (Col. 12, lines 20-21) but does not disclose providing subject matter and responses based upon the detected content and goals, or adapting the conversational content of the agent to the conversational tendencies of the client as claimed. Beck's scripts are not based upon detected content or determined conversational goals nor are they modified during the conversation. Further, what is claimed is adapted suggested subject matter (i.e. based on detected content and goals) not the predefined scripts thought by Beck. Thus, Beck does not disclose these claimed features of the claims 1-25.

The Office Action concedes that Beck does not teach determining a conversational goal and suggesting a subject matter, and responses based upon the detected information as claimed, but asserts that Kishinsky teaches software that provides a displayable script for directing an agent in an interview at Col. 3, lines 50-55, and Col. 4, lines 11-17. However, Kishinsky does not disclose software with the claimed features. Kishinsky teaches use of pre-programmed scripts but also does not teach automatically determining a conversational goal of a client talking to an agent, automatically suggesting subject matter and responses based upon the conversational goal, and adapting agent conversation content to

conversational tendencies of the client as claimed. The Office Action also asserts that Kishinsky does not provide random scripts, that they must have a logic. However, scripts in the prior art are pre-defined scripts, which do not provide the adaptive feature of the claimed invention. There is no teaching in Kishinsky or Beck to provide scripts which are based on the automatically determined content and goals determined from the on going conversation. Cited Col. 3, lines 50-55, merely describes a software module adapted to provide a predefined script to an agent, while Col. 4, lines 11-17, merely describes that the software module is a script sent to the agent station. None of these passages disclose the claimed features of; a) automatically determining a conversational goal of a client in a conversation between an agent and a client (there is no analysis of a conversation between agent and caller); b) automatically suggesting or prompting subject matter to an agent based upon the determined conversational goal of the client (there is only a pre-programmed script); c) automatically suggesting responses to an agent based upon the determined conversational goals of the client (there is no mention of scripts or responses based on conversational goals determined from conversation information content); d) automatically guiding the conversation between the agent and the client to the determined conversational goal of the client as claimed in claims 1, 11 and 21; or e) adapting conversational content of the suggested response to the agent to changes in conversational tendencies (Claims 1 and 21), or emotional state (Claim 11) of the client during the conversation. Since Beck also fails to disclose these features, the independent claims 1, 11 and 21, and dependent claims 2-10, 12-20 and 22-25 are distinguishable over the combination of Beck and Kishinsky because of these numerous differences. Similarly, Bohecek, which only concerns routing to an agent, fails to disclose these features.

Independent claim 21 further recites re-analyzing recent exchanges during the conversation in response to detecting irritation of the client to identify optional goals and ambiguities used to suggest optional paths to be followed by the agent (see e.g., para. 0066-67). This feature is also not disclosed by the cited references.

Claims 4-10, 14, 16-20, and 24-25 have been rejected as obvious over Beck, in view of Kishinsky and Bohecek. As described above, none of the cited references discloses the above-identified features of the independent claims 1, 11, and 21. In addition, Claims 5, 16, and 24 claim monitoring the conversation between the agent and the client to detect changed goals and/or emotional state and modifying the suggested responses in response thereto. The Office Action asserts these features are described in Bohecek at Col. 1, lines 61-67, and Col. 3, line 60-Col. 4, line 8. However, these features are not disclosed or suggested by Bohecek. Particularly, Bohecek describes an answering device that routes callers based on characteristics detected prior to assignment to an agent. Thus, its analysis of the caller is done before an agent is assigned and does not concern monitoring the conversation with the agent, or a change in goal during the conversation. Col. 1, lines 61-67 concerns routing before the agent/caller conversation begins as does the passage in Cols. 3-4. As such, it cannot teach or suggest the claimed detection of changed goals during the conversation, or modifying of suggested responses. Thus, claims 5, 16, and 24 are clearly allowable over the references. In addition, the Office Action asserts that Bohecek teaches the stress analysis of claims 6 and 16. However, the speech recognition of Bohecek is used to do routing but does not teach using it to adapt suggested responses. Nor is the use of current conversation analysis to modify suggestions taught by any of the other references.

Claims 7 and 25 have been assumed to be obvious without basis in the prior art. The claimed feature dividing greeting and business portions and prompting of an agent when a time period is exceeded or key words inconsistent with the greeting period are detected is not taught or suggested by the prior art. These features are also not disclosed by the cited references and thus these claims are believed to be allowable. Further, claims 8 and 18 claimed measuring a word rate, while Bohecek merely discloses a word analyzer but does not disclose measuring word rate. The cited passage at Col. 3, lines 7-54 does not mention measuring word rate or using it to detect changes in emotional state as claimed. Thus, these claims are believed to be further distinguishable over the cited references.

Claim 2 claims that word inflection is used to guide the ongoing conversation and claim 12 claims determining a desire of the client to proceed immediately to the determined goal of the client. Claims 3 and 13 claim a conversational goal of a desired level of comfort. Claims 4 and 14 claim measuring emotional state and adapting the response suggestions to changes in the emotional state. These features are not disclosed by the cited references and are therefore further distinguishable for these reasons.

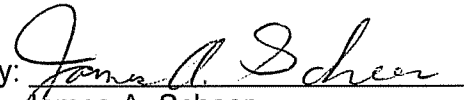
For the foregoing reasons, applicant submits that claims 1-25 are distinguishable over the cited references and that the subject application is in condition for allowance, and earnestly solicits an early Notice of Allowance. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not

limited to the extension of time fee, RCE fee, petition fee, extra claims fee, issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed.

Respectfully submitted,

HUSCH BLACKWELL SANDERS
WELSH & KATZ

By: 
James A. Scheer
Registration No. 29,434

Date: August 13, 2010

HUSCH BLACKWELL SANDERS
WELSH & KATZ
120 South Riverside Plaza, Suite 2200
Chicago, Illinois 60606
(312) 655-1500